

# **EXHIBIT “B”**

## **Part 1 of 7**

# ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CYTEC  
INDUSTRIES, INC., FORD MOTOR  
COMPANY, SPS TECHNOLOGIES  
LLC and TI GROUP  
AUTOMOTIVE SYSTEMS LLC  
Plaintiffs

V

CIVIL ACTION  
NO. 02-CV-3830 (LDD)

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, ET AL.  
Defendants

Oral deposition of JOSEPH  
J. HOCHREITER, JR., CGWP, taken at  
the law offices of Ballard Spahr  
Andrews & Ingersoll, LLP, 1735 Market  
Street, 42nd Floor, Philadelphia,  
Pennsylvania, on Tuesday, February  
27, 2007, at 9:39 a.m. before  
Jennifer Bermudez, a Registered  
Professional Reporter, and Notary  
Public, pursuant to notice.



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DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 APPEARANCES:

2 BALLARD SPAHR ANDREWS & INGERSOLL,  
3 LLP

4 AMY M. TROJECKI, ESQUIRE  
5 TROJECKIA@BALLARDSPAHR.COM  
6 Plaza 1000, Suite 50  
7 Main Street  
8 Voorhees, New Jersey 08043-4636  
9 856-761-3440  
10 Attorney for Plaintiffs

11 WOLFF & SAMSON, P.C.

12 THOMAS W. SABINO, ESQUIRE  
13 tsabino@wolffsamson.com  
14 The Offices at Crystal Lake  
15 One Boland Drive  
16 West Orange, New Jersey 07052  
17 973-530-2044  
18 Attorney For AETC

19 PHELAN, PETTIT & BIEDRZYCKI

20 JEFFREY L. PETTIT, ESQUIRE  
21 Jpettit@pp-b.com  
22 121 S. Broad Street  
23 Suite 1600  
24 Philadelphia, Pennsylvania 19107  
215-546-0500  
Attorneys for Ashland, Inc.

EDWARDS ANGELL PALMER & DODGE, LLP

LYNN WRIGHT, ESQUIRE  
lwright@eapdlaw.com and  
AYANA S. HARVEY, ESQUIRE  
aharvey@eapdlaw.com  
750 Lexington Avenue  
New York, New York 10022  
212-308-4411  
Attorneys for Carpenter Technology Corp.



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1 APPEARANCES (CONT'D):

2 CARELLA, BYRNE, BAIN, GILFILLAN,  
3 CECCHI, STEWART & OLSTEIN  
4 MELISSA E. FLAX, ESQUIRE  
5 mflax@carellabyrne.com  
6 5 Becker Farm Road  
7 Roseland, New Jersey 07068-1739  
8 973-994-1700  
9 Attorney for Handy & Harman Tube  
10 Company

11 HINMAN, HOWARD & KATTELL, LLP  
12 RALPH K. KESSLER, ESQUIRE  
13 rkessler@hhk.com  
14 (Appeared via telephone)  
15 106 Corporate Park Drive  
16 Suite 317  
17 White Plains, New York 10604  
18 914-694-4102  
19 Attorney for TI Automotive

20 DUANE, MORRIS, LLP  
21 SETH v.d.H. COOLEY, ESQUIRE  
22 scooley@duanemorris.com  
23 30 South 17th Street  
24 Philadelphia, Pennsylvania 19103  
215-979-1000  
Attorney for Flexible Circuits

LAW OFFICE OF EDWARD FACKENTHAL  
EDWARD FACKENTHAL, ESQUIRE  
edwardfackenthal@cs.com  
One Montgomery Plaza  
Suite 209  
Norristown, Pennsylvania 19401  
610-279-3370  
Attorney for NRM Investment Co.



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JOSEPH J. HOCHREITER, JR., CGWP  
BY MS. TROJECKI

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1 JOSEPH J. HOCHREITER, JR.,  
2 CGWP, having been duly sworn, was  
3 examined and testified as follows:

4 EXAMINATION

5 BY MS. TROJECKI:

6 Q. Good morning,  
7 Mr. Hochreiter. My name is Amy  
8 Trojecki, and I represent the  
9 Plaintiffs in this action.

10 A. Good morning.

11 Q. I'm just going to go over a  
12 few instructions with you about the  
13 deposition today in general.

14 First, I want to let you  
15 know that your answers today are  
16 under oath and they carry the same  
17 weight as they would if you were in  
18 court.

19 Secondly, I ask that you  
20 give verbal responses to all my  
21 questions, rather than nodding your  
22 head or using any hand gestures so  
23 that the court reporter can take down  
24 all your testimony.



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1 Third, I ask that only one  
2 of us speak at a time so there's no  
3 confusion for the court reporter.

4 I ask that you listen to my  
5 questions, ask for clarification if  
6 necessary, and if you do answer the  
7 question I assume that you are  
8 answering to the best of your  
9 ability.

10 Please give full and  
11 complete answers but do not guess.  
12 You may estimate or approximate at  
13 times but do not guess. If you  
14 realize at any point that an answer  
15 that you provided to me is incorrect  
16 or needs to be amended, just let me  
17 know and we will correct that.

18 A. Okay.

19 Q. Finally, your lawyer is  
20 permitted to object to the form of a  
21 question; however, in those instances  
22 you must still answer the question.  
23 Therefore, it is up to you, not your  
24 lawyer to ask for clarification if



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1 you do not understand the question.

2 Do you understand that?

3 A. I understand that.

4 Q. Are you currently on any  
5 medication that would impact your  
6 ability to testify today?

7 A. I am not.

8 Q. Can you state your name,  
9 address, and date of birth.

10 A. Joseph Hochreiter, Jr., 252  
11 Hollow Branch Lane, Yardley, PA,  
12 19067. Date of birth is 1/29/55.

13 Q. I just want to go through  
14 briefly your educational background.

15 Can you tell me, where did  
16 you get your undergraduate degree?

17 A. Temple University.

18 Q. And your resume --  
19 actually, let's mark your expert  
20 report. I am going to have marked as  
21 Exhibit 1, Hochreiter 1, your expert  
22 report that you prepared in this  
23 matter.

24 (Hochreiter Exhibit 1 was



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1 marked for identification.)

2 BY MS. TROJECKI:

3 Q. Your resume indicates in  
4 Appendix A that you utilized Temple's  
5 Custom Degree Program to get your  
6 degree; is that correct?

7 A. That is correct.

8 Q. What is a Custom Degree  
9 Program?

10 A. A Custom Degree Program  
11 allows the student to basically  
12 select their own major, and since I  
13 was torn between going to law school  
14 at the end of my undergraduate career  
15 or staying with the U.S. Geological  
16 Survey, where I was working part-time  
17 while I was going to school, I took  
18 the option of basically developing my  
19 own undergraduate curriculum and  
20 career path.

21 Q. And what was that program?

22 A. What I did was I had a  
23 general liberal arts degree,  
24 undergraduate, and then I went back



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1 under sponsorship with the U.S.  
2 Geological Survey and took somewhere  
3 near 30 additional semester hours of  
4 science and math in order to qualify  
5 for what I would call a general  
6 physical science degree that would  
7 qualify me to become a hydrologist at  
8 the USGS.

9 Q. So your liberal arts  
10 degree, I guess what was your course  
11 of study, what was your major to get  
12 the liberal arts degree?

13 A. Again, the major was  
14 custom-derived, so I studied a broad  
15 range of things as an undergrad. I  
16 had some science. Keep in mind I  
17 started at Drexel University my  
18 freshman year.

19 So I took computer  
20 programming, environmental science, I  
21 believe it was called environmental  
22 chemistry, a variety of scientific  
23 courses, but I also took a heavy  
24 concentration of philosophy courses

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1 oriented towards possibly becoming an  
2 attorney.

3 Q. And did you attend school  
4 full-time?

5 A. I attended school full-time  
6 and also part-time, because it took  
7 me about six years to complete my  
8 undergraduate.

9 Q. And that's through Drexel  
10 and Temple you took undergraduate  
11 courses, correct?

12 A. That's correct.

13 Q. So after you received your  
14 liberal arts degree, you then went  
15 back and got 30 additional credits;  
16 is that correct?

17 A. That's correct, under the  
18 sponsorship of the USGS.

19 Q. And those classes were  
20 specifically geared towards  
21 hydrology?

22 A. Well, at the undergraduate  
23 level you really couldn't get  
24 hydrology courses. I took the



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1 hydrology courses in graduate school  
2 later.

3 Q. So who determined what  
4 classes you took for that extra 30  
5 credits?

6 A. That was primarily done in  
7 consultation with the USGS.

8 Q. And was that a program that  
9 they offered to many students or  
10 something that you worked --

11 A. I sort of worked that out  
12 individually with them. They didn't  
13 want me going to law school, they  
14 wanted me to stay in the sciences, so  
15 that was the deal we struck.

16 Q. And was there an issue that  
17 they felt that you weren't qualified  
18 with your liberal arts degree and you  
19 needed to take more training?

20 A. They felt that I needed to  
21 beef up the science and engineering  
22 coursework, yes.

23 Q. Your resume also indicates  
24 that you attended Drexel University



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1 for graduate studies in environmental  
2 engineering and science? Is that  
3 correct?

4 A. That's correct.

5 Q. When did you start  
6 attending Drexel?

7 A. I believe it was 1983.

8 Q. And that's for the graduate  
9 studies?

10 A. That's correct.

11 Q. Did you get a degree from  
12 Drexel?

13 A. I did not. The USGS again  
14 sponsored me to do that and I went  
15 into private consulting before I  
16 completed my degree.

17 Q. How close were you to  
18 getting your degree?

19 A. Probably halfway.

20 Q. And what courses did you  
21 take?

22 A. I took graduate geology,  
23 biostatistics, the complete hydrology  
24 sequence. Actually, I waived the



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1 requirement for introduction to  
2 hydrology because I was already a  
3 hydrologist. I took surface water  
4 hydrology, groundwater hydrology and  
5 groundwater modeling.

6 Q. And how many years were you  
7 taking courses at Drexel, graduate  
8 courses?

9 A. About two years. About two  
10 years part-time.

11 Q. So you had started with the  
12 USGS before you went to Drexel for  
13 your graduate studies?

14 A. That's right. Well, that's  
15 not quite right.

16 I got to the U.S.  
17 Geological Survey through Drexel, the  
18 cooperative education program that  
19 they have, at the end of my freshman  
20 year. It was my time to take a  
21 co-op, and the job that they offered  
22 me was with the U.S. Geological  
23 Survey.

24 Q. I'm just going to ask that



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1 you wait until I finish asking my  
2 question just so the court reporter  
3 can take down everything.

4 A. Sorry.

5 Q. Your resume also states  
6 that you are a certified groundwater  
7 professional, correct?

8 A. That's correct.

9 Q. What is that?

10 A. It's a national  
11 certification in the groundwater  
12 field. It is issued by the National  
13 Groundwater Association, which is the  
14 professional trade association for  
15 people in my discipline.

16 Q. And what do you have to do  
17 to become certified?

18 A. You have to have at  
19 least -- now, I don't recall these,  
20 because it was a long time ago that I  
21 got my certification, but to the best  
22 of my recollection it was seven or  
23 eight years of professional  
24 experience.



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1                   You had to submit several,  
2                   what they call white literature  
3                   reports or papers that you had  
4                   written for peer review. They had to  
5                   review your academic credentials, and  
6                   there were some other requirements  
7                   that off the top of my head I can't  
8                   recall. It was about a six-month  
9                   process to complete.

10                  Q.       Is there anything that you  
11                   have to do on a continuing basis to  
12                   remain certified?

13                  A.       I do. I have to maintain  
14                   36 professional development credits  
15                   over every three-year period of  
16                   recertification.

17                  Q.       I will just go briefly  
18                   through your employment history. So  
19                   your first job at the end of your  
20                   first year at Drexel when you were  
21                   taking undergraduate courses was with  
22                   the USGS, correct?

23                  A.       After I was finished my  
24                   freshman year, I started with the

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1 USGS, I believe in 1973.

2 Q. And you went full-time to  
3 Drexel your first year; is that  
4 correct?

5 A. That's correct. Yes.

6 Q. And what was your position,  
7 your first position at the USGS?

8 A. I was an intern.

9 Q. And what did you do as an  
10 intern?

11 A. Two things that I recall.  
12 One was a study using air photography  
13 that one summer of the Manasquan  
14 River Basin for a surface water  
15 model. We basically perimetered all  
16 of the land use patterns so that we  
17 could load that into the surface  
18 water model.

19 And I also conducted  
20 analytical tests for the USGS  
21 chloride intrusion network, where I  
22 basically ran chloride titrations.

23 Q. And that was during the  
24 summer after your first year of



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1 college, correct?

2 A. That is correct.

3 Q. When did you start full-  
4 time with the USGS?

5 A. I don't recall exactly. It  
6 was somewhere in my sophomore year of  
7 college. I would work two or three  
8 days a week at the USGS, and then I  
9 would take a full 16 or 18 semester  
10 hours at Temple and basically shuttle  
11 via SEPTA between Trenton and  
12 Philadelphia.

13 Q. And what did you do for the  
14 USGS during that time?

15 A. Mostly field work. I was  
16 considered an intern and also a  
17 hydrologic technician.

18 So, basically, I would  
19 conduct surface water flow studies,  
20 surface water quality studies, what  
21 we call time-of-travel studies, a  
22 variety of -- I ran, for a period of  
23 time, the laboratory that they had in  
24 Trenton.



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1                   It was pretty much anything  
2                   that needed to be done in field  
3                   support, I pretty much did.

4                   Q.       So you were actually the  
5                   guy out there collecting samples?

6                   A.       That's correct.

7                   Q.       And how long did you do  
8                   this for the USGS, how long were you  
9                   a hydrologic technician?

10                  A.       Until I received my degree,  
11                  somewhere around 1978 or '79, and  
12                  then I became a hydrologist.

13                  Q.       So up until that point, you  
14                  were working for the USGS and taking  
15                  undergraduate courses?

16                  A.       That's correct.

17                  Q.       Did you do anything at the  
18                  USGS while you were a hydrologic  
19                  technician that provided any training  
20                  or experience related to the  
21                  preparation of your expert report in  
22                  this case?

23                  A.       As a hydrologic technician,  
24                  I would say other than



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1 familiarization with chemicals and  
2 laboratory processes, probably not  
3 much.

4 Q. So after you received your  
5 liberal arts degree you were then, I  
6 guess, promoted at the USGS; is that  
7 correct?

8 A. That is correct.

9 Q. And promoted to what?

10 A. Hydrologist.

11 Q. Now, that was after the 30  
12 credits, correct?

13 A. I believe so, yes. It may  
14 not have included completion of all  
15 of those credits, but somewhere in  
16 that time frame, that one year or  
17 year-and-a-half time frame, I  
18 received a promotion.

19 Q. And to the best of your  
20 recollection, I think your resume  
21 states that that was in 1979; is that  
22 correct?

23 A. That's right, yes.

24 Q. What is entailed or



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1 describe to me what a hydrologist is?

2 A. It's a water scientist,  
3 basically. It's the field of science  
4 that looks at the occurrence of  
5 surface water, groundwater, the  
6 interactions of the two from a flow  
7 perspective, from a water quality  
8 perspective.

9 Q. What did you do for the  
10 USGS as a hydrologist?

11 A. I managed regional aquifer  
12 studies. I shifted from that period  
13 of time from mostly a surface water  
14 emphasis to a groundwater emphasis.

15 I still conducted field  
16 work. I still oversaw the  
17 installation of wells and  
18 geotechnical samples and geologic  
19 samples on my projects; however, I  
20 was transitioning more into a  
21 management role where I was managing  
22 projects and managing teams of  
23 professionals working for me on those  
24 projects.



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1 Q. Anything else?

2 A. In broad brush, I think  
3 that covers it.

4 Q. And when you say you  
5 managed regional aquifer studies,  
6 what is that?

7 A. Well, I can give you a  
8 specific example. We were  
9 investigating the Potomac-Raritan-  
10 Magothy aquifer system, which is in  
11 the coastal plain -- actually in  
12 Philadelphia here as well as in  
13 southern New Jersey.

14 And we investigated the  
15 occurrence of the formation, in other  
16 words, where the Potomac-Raritan-  
17 Magothy aquifer units actually  
18 existed in three-dimensional space.

19 We conducted regional water  
20 level measurements to try to  
21 understand how groundwater flow  
22 patterns are influenced by pumpage.

23 We did extensive  
24 groundwater quality studies where we



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1 looked for things like volatile  
2 organic compounds, pesticides, PCBs,  
3 those sorts of things, the  
4 interaction of the Delaware River  
5 estuary with the aquifer.

6 So we did surface water  
7 studies of the estuary. In fact, I  
8 probably published one of the first  
9 studies of the water quality of the  
10 bed material of the Delaware River  
11 estuary from Trenton to Wilmington.

12 Q. And when you say you  
13 managed the regional aquifer study --

14 A. I was the project chief, as  
15 they would call it. I was the person  
16 responsible for establishing the  
17 budget and making certain that the  
18 performance of the project met, you  
19 know, the project goals and met the  
20 budgetary objectives.

21 Q. And when you say you  
22 shifted to a groundwater emphasis,  
23 what do you mean by that?

24 A. I moved from the surface



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1 water division of the USGS's office  
2 in Trenton, New Jersey, to the  
3 groundwater division at the time that  
4 I shifted from being a hydrologic  
5 technician and student intern to  
6 becoming a hydrologist.

7 Q. When you were a hydrologic  
8 technician, you worked for the  
9 surface water office, correct?

10 A. The surface water group,  
11 yes. There was another aspect with  
12 my experience with the USGS as a  
13 hydrologist that you should be aware  
14 of, and that was I started a program  
15 with Region 2 of the USEPA to bring  
16 hydrologic expertise into their case  
17 teams on Superfund sites.

18 It was at that time USEPA  
19 Region 2 only had one hydrologist on  
20 staff.

21 Q. Was that something that  
22 somebody came to you and asked you to  
23 do, was it your --

24 A. You know, the actual



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1 genesis of how that started, I don't  
2 really recall. If I had to surmise,  
3 I would say that my boss probably  
4 brought the opportunity to me.

5 Q. And what did that entail,  
6 bringing hydrologic expertise into --

7 A. We worked closely with  
8 middle-level management at EPA Region  
9 2 in the Superfund group, as well as  
10 the actual project managers, the case  
11 managers as they call them in EPA  
12 Region 2, and we would become adjunct  
13 staff, essentially, for their  
14 Superfund projects.

15 In some instances we would  
16 go out and conduct investigations of  
17 new Superfund sites side by side with  
18 EPA personnel. In other instances we  
19 simply reviewed reports, provided  
20 written comments and evaluated the  
21 compliance path from a groundwater  
22 perspective for a number of Superfund  
23 sites.

24 Q. So it was more on a case-



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1 by-case basis. If EPA needed a  
2 hydrologist to get involved, then  
3 they would contact the USGS and work  
4 with you?

5 A. That is correct. That is  
6 correct.

7 Q. And when you say you  
8 investigated new Superfund sites,  
9 what do you mean by that?

10 A. I can give you one example  
11 that sort of stands out in my mind,  
12 because it was the only time that I  
13 ever entered a site under the  
14 supervision of federal marshals.

15 We waited about two hours  
16 for the marshals to arrive at a  
17 portion of the Vineland Chemical  
18 Company site in Cumberland County,  
19 New Jersey.

20 The marshals forced access  
21 so that we could look at a -- not the  
22 home plant but a remote piece of  
23 property where there was -- there  
24 were allegations of dumping that had

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1 occurred.

2 And we went out and  
3 actually conducted surface  
4 geophysical investigations to look  
5 for buried drums and containers and  
6 things of that nature.

7 Q. So how is that something  
8 that a hydrologist -- or why is it  
9 something a hydrologist would do as  
10 opposed to an EPA staff?

11 A. The ultimate concern, I  
12 guess, for most Superfund sites, once  
13 you have dealt with removal of the  
14 source material, is where did the  
15 material that got released to the  
16 environment end up in the  
17 environment, and it almost always  
18 ends up -- oftentimes ends up in  
19 groundwater.

20 So from the very beginning  
21 of the investigation of a Superfund  
22 site, you want to have a pretty good  
23 idea of whether there's a threat for  
24 groundwater and, if there is, start



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1 to understand how you can investigate  
2 the groundwater, and if you need to  
3 do some sort of mitigation, start  
4 thinking about that as well.

5 Q. Was this the first time  
6 that you actually started doing work  
7 at contaminated sites?

8 A. No. The program that we  
9 had with EPA was the first time that  
10 we specifically focused on Superfund  
11 sites.

12 However, the groundwater  
13 work that I started doing in 1979  
14 when we were looking at the regional  
15 occurrence of volatile organic  
16 compounds in regional aquifer systems  
17 was really the first time that I  
18 started looking at, you know, the  
19 occurrence of organic chemicals in  
20 the environment and trying to figure  
21 out where they might be coming from.

22 Q. But was that work that you  
23 did when you were studying the  
24 regional aquifer system related to

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1 particular contaminated sites?

2 A. In some instances it was.  
3 The regional Potomac-Raritan-Magothy  
4 aquifer system study was not  
5 particularly focused on individual  
6 sites, although we probably sampled  
7 wells at 30 or 40 industrial  
8 facilities along the Delaware  
9 estuary.

10 However, there were follow-  
11 up studies that resulted, for example  
12 in Logan Township, down near the  
13 Commodore Barry Bridge, where we did  
14 very specific -- we did a subregional  
15 study of groundwater quality, and we  
16 were looking and actually sampling  
17 wells and doing investigations at  
18 Rollins Environmental Services and at  
19 the Bridgeport Rental & Oil Services  
20 site, the B.R.O.S. site, the Monsanto  
21 Chemical site, all in that particular  
22 community.

23 Q. Did you do anything at the  
24 USGS while you were a hydrologist



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1 that provided any training or  
2 experience related to the preparation  
3 of your expert report in this case?

4 A. I believe so, yes.

5 Q. And what were those things?

6 A. The familiarity with  
7 disposal practices at contaminated  
8 sites; the familiarity with the types  
9 of chemicals that are typically  
10 deposited at these sites when they  
11 are used as disposal facilities; some  
12 of the investigative techniques that  
13 are used and that were used, for  
14 example, at Boarhead Farms in the RI;  
15 we were doing those types of  
16 investigations back from 1979 through  
17 the early and mid-1980s.

18 Q. Anything else?

19 A. Nothing else, that I can  
20 think of.

21 Q. How did learning or  
22 becoming familiar with disposal  
23 practices help you to prepare your  
24 expert report in this case?



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1           A.       The expert report required  
2 familiarity with waste  
3 classifications and understanding  
4 inorganic wastes from organic wastes  
5 and the different types of waste  
6 categories that comprise the universe  
7 of things that could have  
8 theoretically left the plaintiffs and  
9 settled defendants sites.

10                   So, certainly developing a  
11 good familiarity with those wastes  
12 firsthand through investigations of  
13 other sites in the field, I think,  
14 gave me a very good understanding of  
15 how to understand what those  
16 chemicals are all about and how they  
17 behave in the environment.

18                   (Discussion off the  
19 record.)

20 BY MS. TROJECKI:

21           Q.       I guess just -- can you  
22 kind of go over that again for me.  
23 Basically, you said that you acquired  
24 a familiarity with disposal practices



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1 while you were a hydrologist, and can  
2 you explain to me how that helped you  
3 in your expert report in this case?

4 A. Well, it gave me a  
5 familiarity with disposal practices  
6 generally at contaminated sites; it  
7 gave me a familiarity with the types  
8 of chemicals, the classifications of  
9 chemicals that are oftentimes  
10 disposed of at contaminated sites;  
11 and since the objective of our expert  
12 report was to give us as thorough an  
13 understanding as possible of the  
14 types of waste materials that were  
15 generated by the plaintiffs and  
16 settled defendants during the period  
17 of time that the Boarhead Farms site  
18 operated, I see a direct connection  
19 between those early investigative  
20 efforts and the studies that we did  
21 and the type of investigation that we  
22 needed to do here.

23 Q. How did you becoming  
24 familiar with types of chemicals help

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1 you prepare your expert report in  
2 this case?

3 A. I'm not sure I understand  
4 exactly what you are looking for  
5 beyond what I have already given you,  
6 so perhaps if you can help me focus  
7 on what it is you are looking for.

8 Q. You listed three areas  
9 where your training as a hydrologist  
10 helped you prepare your expert report  
11 in this case. First was your  
12 familiarity with disposal practices,  
13 correct?

14 A. That's correct.

15 Q. The second was your  
16 familiarity with types of chemicals?

17 A. That were generated as  
18 waste materials going to sites of  
19 this type, yes.

20 Q. So they are interrelated,  
21 then?

22 A. They are. In my mind they  
23 are interrelated, yes.

24 Q. And the third thing that



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1     you named is investigative  
2     techniques, such as the investigative  
3     techniques that were used at the RI  
4     at Boarhead Farms. Correct?

5             A.     That is correct.

6             Q.     How did that help you  
7     prepare your expert report in this  
8     case?

9             A.     For one thing, I was given  
10    as part of the documentation the  
11    RI/FS reports that CH2M HILL  
12    prepared, and we read those reports  
13    as part of our research for trying to  
14    understand site conditions, even  
15    though the main focus of the expert  
16    report was not what was actually  
17    disposed, in fact it wasn't the focus  
18    at all of what was disposed at the  
19    Boarhead Farms site.

20            We were primarily  
21    interested in the direction that we  
22    took, and we were provided direction  
23    by counsel as to look at waste  
24    materials that were produced by these



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1 companies during the period of  
2 interest.

3 We did not make any  
4 attempts to connect waste materials  
5 to the Boarhead Farms site, but it  
6 was important to understand what  
7 kinds of materials were disposed of  
8 at the Boarhead Farms site since  
9 that's the reason we are here.

10 Q. So given that explanation,  
11 did the fact that you knew how to  
12 read an RI really help you out in  
13 preparing your expert report in this  
14 case?

15 A. It helped to some extent,  
16 yes.

17 Q. Just in the general  
18 understanding of what you were  
19 reading?

20 A. I believe so, yes.

21 Q. After you left the USGS,  
22 what did you do next?

23 A. I went to Environmental  
24 Resources Management, or ERM, in



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1 Princeton, New Jersey. I believe  
2 that was 1987.

3 Q. Your resume actually  
4 indicates that you started with ERM  
5 in '88 but that you started  
6 consulting in '87, and I just wanted  
7 to make sure that you didn't do  
8 anything in between?

9 A. If there is inconsistency  
10 in the resume, please point it out  
11 and I will make a correction.

12 Q. It's a small -- it says  
13 that you started consulting in 1987?

14 A. With ERM. It was the end  
15 of '87.

16 Q. Okay.

17 A. And certainly if it's  
18 inconsistent on the resume, I can  
19 correct that.

20 Q. So what did you do for ERM?

21 A. I started as a project  
22 manager and the person responsible  
23 for the groundwater science practice  
24 in their new Princeton office.



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1 I was the first employee  
2 that the branch manager hired and, in  
3 that role, I basically helped him  
4 develop the consulting practice from  
5 a business standpoint as well as a  
6 science standpoint.

7 Q. Did your position change at  
8 any point while you were with ERM?

9 A. Yes.

10 Q. How so?

11 A. As I indicated, I started  
12 as a project manager, and in the four  
13 and a half or five years that I was  
14 there I ended up taking over the  
15 branch manager position, which was  
16 the responsibility for running the  
17 Princeton office of ERM.

18 Q. So what types of things did  
19 you do on a day-to-day basis when you  
20 first started with ERM?

21 A. We did -- well, first of  
22 all, I did very little field work.  
23 That was probably a point in my  
24 career where going out in the field



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1 and actually collecting the data or  
2 doing the laboratory analysis ceased  
3 and now I was purely in management.

4 So I was hiring  
5 professional staff; I was developing  
6 business with the assistance of my  
7 colleagues; I was developing  
8 relationships with the parent office  
9 in West Chester, Pennsylvania, and  
10 the large hydrogeology practice that  
11 they had there.

12 I conducted ECRA  
13 investigations, NPL or Superfund site  
14 investigations, worked as part of  
15 multidisciplinary teams to conduct  
16 risk assessments, engineering  
17 feasibility studies, did some  
18 environmental compliance auditing,  
19 because my boss at that time was an  
20 environmental compliance auditor, so  
21 he taught me basically how to do  
22 that.

23 Q. What training did you  
24 receive to enable you to do those

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1 types of activities, the ECRA  
2 investigations, Superfund  
3 investigations?

4 A. There were some on-the-job  
5 training experiences; there was  
6 coursework that I took where Rutgers  
7 University would offer an extension  
8 course on ECRA and compliance with  
9 ECRA. I remember several of those  
10 courses over the course of my early  
11 career as a consultant.

12 Q. Were you the only person in  
13 the office when you worked at ERM?

14 A. With my boss Brian Bennett,  
15 we were the only two people.

16 Q. Throughout the whole time  
17 you worked with ERM?

18 A. No. No. Probably for the  
19 first four or five months.

20 Q. You were there for four  
21 years, correct?

22 A. Four and a half years, to  
23 be precise. I think it was October  
24 '87 to March of '92. I'm pretty



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1 certain that was the time frame.

2 Q. What types of clients did  
3 you have while you were with ERM?

4 A. Almost exclusively  
5 industrial clients or Superfund site  
6 committee clients comprised of  
7 industry.

8 Q. And at what point did you  
9 become a branch manager?

10 A. I don't recall exactly, but  
11 I believe it was around 1990, maybe  
12 early '91.

13 Q. And how did your  
14 responsibilities change as a branch  
15 manager?

16 A. Fairly importantly. I  
17 became responsible for the profit-  
18 and-loss of that business unit.

19 I supervised not only the  
20 investigation side of the shop, which  
21 was my primary responsibility up to  
22 that point, but also the engineering  
23 side of the shop, the, what we called  
24 management consulting, which was the



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1 regulatory auditing and compliance  
2 side.

3 I had responsibility for  
4 overseeing all of those business  
5 practices, including also an  
6 environmental construction practice  
7 that came on line the last year, year  
8 and a half I was there.

9 Q. What is that?

10 A. At the time it was called  
11 ERM Enviro Clean.

12 It was basically -- I took  
13 one of my scientists and gave him to  
14 the environmental construction  
15 company, the in-house construction  
16 company for ERM, and he was setting  
17 up, essentially, a construction  
18 practice.

19 What do they do? They do  
20 environmental demolition, demolishing  
21 old chemical plants, they do the  
22 actual remedy implementation, they  
23 construct the groundwater treatment  
24 systems, the soil and surface water



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1 treatment, depending on what the  
2 technology was.

3 So we would take the  
4 engineering side of things, the  
5 design, and move it over into  
6 construction, and we would actually  
7 do that as well.

8 Q. When you say you worked on  
9 Superfund site investigations, what  
10 specifically did you do? Did you  
11 design a remedial investigation?  
12 Describe to me what specifically that  
13 entails.

14 A. We would design remedial  
15 investigations, I think that says it  
16 quite accurately, and then oversee  
17 their implementation and then, when  
18 the data would come in, we would  
19 evaluate that data and write reports  
20 and then make recommendations for  
21 further study when it was warranted.

22 Q. Why did you leave ERM?

23 A. I had a job offer that was  
24 much more attractive to me at



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1 Blasland, Bouck & Lee.

2 Q. And what did you do at ERM  
3 or what training or experience did  
4 you acquire from working at ERM that  
5 relates to the preparation of your  
6 expert report in this case?

7 A. It gave me additional  
8 experience working in industrial  
9 plant settings. So I had a better  
10 understanding of plant processes and  
11 how waste is generated and how it is  
12 transported and disposed of, or at  
13 least it was in previous times.

14 I also had a hand through  
15 our management consulting practice in  
16 helping companies change those  
17 practices so that they were more  
18 compliant with current environmental  
19 regulations and laws.

20 The environmental  
21 construction practice gave me direct  
22 experience understanding how you  
23 build and construct environmental  
24 remedies, how you dig up drums from a



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1 site, how you dig up underground  
2 tanks.

3 I became, somewhere during  
4 that period of time, a licensed  
5 subsurface evaluator for the New  
6 Jersey DEP, because of the  
7 underground tank work that we were  
8 doing at that time.

9 Q. Anything else?

10 A. I'm sure there are many  
11 other specific examples I could  
12 provide, but, I mean, in general, I  
13 think that speaks to the issues that  
14 were germane in that expert report.

15 Q. And how did you get -- when  
16 you say you got additional experience  
17 in industrial plant settings, how did  
18 that help you in your preparation of  
19 your expert report in this case?

20 A. That's a hard question to  
21 answer, because there aren't  
22 specific -- I can't point to a  
23 specific piece of information that I  
24 gleaned while doing an environmental



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1       audit of a chemical facility that all  
2       of a sudden gave me insight on how to  
3       go through all of the documentation  
4       of nine or ten or eleven entities and  
5       their waste generation practices.

6               But it's a cumulative  
7       effect. You go to enough facilities  
8       and you see how material is  
9       generated; you audit how they handle  
10      that material and how it's ultimately  
11      disposed of.

12              You investigate how they  
13      disposed of these things in the past,  
14      and it gives you a general  
15      understanding of industry practices,  
16      not only current -- current circa,  
17      1987 to '92, but also how things were  
18      done 10, 15, 20 years prior.

19              Q.     Did you ever, up until that  
20      point at the USGS or with ERM, study  
21      what types of industrial waste may  
22      have been generated by a particular  
23      facility?

24              A.     Yes.



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1 Q. How so?

2 A. Well, when we would conduct  
3 a remedial investigation and we would  
4 find things in soil and we would find  
5 things in groundwater, we were  
6 obligated to try to determine where  
7 that came from, what was the source.

8 You know, it was one thing  
9 to understand how these things move  
10 in the environment, but it was  
11 ultimately our job to find out how  
12 they got there.

13 And once we understood how  
14 they got there, we needed to  
15 understand how to fix that problem,  
16 not only the release of the  
17 chemicals, but also start to look  
18 backward into the plant process and  
19 understand how they handle those  
20 materials, to see if we can help them  
21 do a better job of handling them in a  
22 way that doesn't cause a release into  
23 the environment.

24 Q. So let's just start with



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1 the first one where you said the goal  
2 was to determine the source of  
3 contamination and that led you to  
4 actually go back and find out what  
5 facility it came from, correct?

6 A. What part, usually part of  
7 the facility, if we were working on a  
8 facility, unless it was an off-site  
9 source, and that's always a  
10 possibility, where we would be  
11 looking at other contributions to a  
12 problem on our facility or our  
13 client's facility.

14 But, principally, what we  
15 were looking at were situations where  
16 contaminants were released on our  
17 client's facility and we had to do  
18 the forensic investigation back to  
19 try to understand how they got there  
20 and do something about it, design a  
21 remedy to correct the problem.

22 Q. And that's more on a  
23 contaminated site basis, correct, not  
24 an environmental audit?

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1           A.       It really blended both.    It  
2       really blended both.

3                   And I think that's one of  
4       the reasons why my boss Brian  
5       Bennett, very early on in my career  
6       with ERM, got me involved in the  
7       environmental audit process, because  
8       he wanted me to understand, and he  
9       felt as a government scientist coming  
10      into consulting, that it was really  
11      important for me to have a good  
12      understanding of how industrial  
13      processes and practices occur, and,  
14      frankly, I learned a lot from those  
15      experiences and what he taught me.

16           Q.       Okay.  Let's, if it makes  
17      sense to separate the two, to say,  
18      first, let's deal with the  
19      contaminated site issue.

20           A.       Uh-huh.

21           Q.       If you have a contaminated  
22      site, you want to determine the  
23      source of contamination of that site?

24           A.       That's correct.



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1 Q. And that would allow you to  
2 understand the industrial processes  
3 or how the waste got to be there; is  
4 that correct?

5 A. In a very general way,  
6 yes. In order to -- you can have a  
7 contamination event and, if you do  
8 nothing to try to understand how it  
9 got there, you still have the ability  
10 to deal with that contaminated event  
11 or that contamination event.

12 You can evaluate the impact  
13 of soil, you can evaluate the  
14 potential for impact to groundwater  
15 and maybe to surface water streams,  
16 sewers, that sort of thing, and  
17 implement remedies, dig up  
18 contaminated soil or treat it or  
19 investigate groundwater, understand  
20 where it's going and determine the  
21 appropriate technology.

22 You don't have to bring an  
23 understanding of how that material  
24 got there necessarily for dealing

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1 with what you call the contaminated  
2 site issue.

3 However, if you really want  
4 to serve the client effectively, you  
5 want to be able to say okay, well,  
6 this contaminated event occurred,  
7 let's figure out ways and improve  
8 processes so that it doesn't happen  
9 into the future.

10 And that brings you into  
11 the compliance and audit side.

12 Q. Taking out the audit side  
13 and the goal to prevent that this  
14 would happen in the future, if you  
15 are just dealing with a contaminated  
16 site issue, would that cause you to  
17 have to go back and actually  
18 determine what part of an industrial  
19 process would have contributed to the  
20 contamination?

21 A. There are instances where  
22 you find a suite of chemicals and you  
23 need to understand whether those  
24 chemicals were part of the original



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1 depositing or the release or whether  
2 they perhaps were biotransformation  
3 products of biological degradation of  
4 those materials.

5 It would be helpful then to  
6 know what's going on in the plant so  
7 that you can determine is it possible  
8 that chemical X might have been  
9 actually released from a process, or  
10 did it occur as part of some sort of  
11 a biological transformation in the  
12 subsurface.

13 That would be one example  
14 of where it would be important just  
15 on the contaminated site side to  
16 understand what is going on in the  
17 plant.

18 Q. Are there any other  
19 reasons, other than that, just on the  
20 contaminated site side?

21 A. Certainly. There was an  
22 ECRA/ISRA case, it was both because  
23 it lasted that long, that I worked on  
24 where they basically cleaned printed

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1 circuit boards, they manufactured  
2 printed circuit boards.

3 And they used chlorinated  
4 solvents to clean those circuit  
5 boards before doing repairs on them,  
6 and they were on private well and  
7 septic.

8 So any of the waste  
9 material that was generated from the  
10 solvent cleaning of the circuit  
11 boards ended up in the septic system,  
12 which was not designed to degrade  
13 chlorinated hydrocarbons, and that  
14 resulted in a significant groundwater  
15 contamination problem that actually  
16 left the property in North Jersey and  
17 impacted a water supply system for a  
18 hotel.

19 And, in that instance, it  
20 became evident that, once we  
21 understood that we had a problem in  
22 the subsurface and we traced it to  
23 the septic system, that it was  
24 immediately apparent that we go into

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1 the plant and understand what  
2 processes were occurring in that  
3 facility to generate those chemicals  
4 and actually talk to plant employees  
5 and have them explain how they  
6 handled the chemicals so that we  
7 could find a pathway between the  
8 place where the chemicals were used  
9 and the septic system.

10 And once we identified  
11 that, it was paramount that we worked  
12 with plant personnel to change those  
13 disposal practices so that it didn't  
14 happen again.

15 So there is a very good  
16 example of site contamination issues  
17 bringing us right back into  
18 operations and compliance practices  
19 in a facility.

20 Q. But that's more of a -- we  
21 were talking about just contaminated  
22 site issues, forgetting about the  
23 audit side.

24 A. But it was a



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1 contaminated -- I mean, that was a  
2 contaminated site issue, and for the  
3 first year and a half of our  
4 examination, maybe a year, we were  
5 just focused on chlorinated solvents  
6 in groundwater and trying to figure  
7 out what was going on there.

8 And once we traced it back  
9 to the septic system, we immediately  
10 worked our way into the plant. Does  
11 that address your question?

12 Q. But the importance of  
13 tracing it back into the plant was  
14 more for an ongoing basis, correct,  
15 and not to address the cleanup of the  
16 contamination?

17 A. Absolutely, it was directly  
18 associated with the cleanup of the  
19 contamination. There was  
20 contamination that was released  
21 several years prior to our discovery  
22 of the problem that had already left  
23 the site, but there was also material  
24 being released ongoing into that



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1 septic system, and it was absolutely  
2 critical that we stop that or there  
3 was no way that we could implement a  
4 remedy.

5 Q. Okay. Now let's talk about  
6 just the audit side, the  
7 environmental compliance side.

8 How often did you do  
9 environmental audits while you were  
10 with ERM, or what percentage of your  
11 practice would you say that that  
12 entailed?

13 A. I would say that once a  
14 month for at least a couple years I  
15 was involved in a regulatory  
16 compliance audit. Most of those,  
17 although not all of them, was work  
18 that was done for what was called an  
19 audit consortium. We worked for  
20 groups of industrial companies that  
21 sent waste to facilities for  
22 destruction and disposal.

23 So we would audit the  
24 transportation disposal treatment

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1 process on behalf of that audit  
2 consortium of these third-party  
3 waste-processing and handling and  
4 disposal facilities.

5 In addition, we would do  
6 regulatory compliance audits directly  
7 for industry, where we would go into  
8 their facilities and actually  
9 evaluate their compliance with RCRA,  
10 resource conservation and recovery  
11 act requirements, individual state  
12 requirements and, in one instance,  
13 the Commonwealth of Puerto Rico  
14 requirements.

15 Q. Can you describe to me a  
16 little bit further the transportation  
17 disposal treatment audits, was that  
18 for, you know, one group of  
19 companies? What's the difference  
20 between that and when you said you  
21 did individual regulatory compliance  
22 work?

23 A. Okay, that's a good  
24 question. The work that we did for

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